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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:21-mj-71091-MAG
Plaintiff,)
v.) STIPULATION AND ORDER CONTINUING
ALIREZA MOHEB,) PRELIMINARY HEARING OR
KEVIN RAMIREZ,) ARRAIGNMENT AND EXCLUDING RULE 5
Defendants.) AND SPEEDY TRIAL TIME

On July 2, 2021, the Court conducted an initial appearance for defendant Moheb, and on July 7, 2021, the Court conducted an initial appearance for defendant Ramirez, both of whom stand charged by Complaint with narcotics charges in violation of Title 21, United States Code. The matter is currently scheduled for either a preliminary hearing or arraignment on March 24, 2022. The government has produced discovery which defense counsel is in the process of reviewing and discussing with their clients. The government anticipates that it will seek an indictment of defendants by March 24, 2022, which would obviate the need for a preliminary hearing in this matter. The government anticipates requesting that the Court arraign defendants at dates to be arranged with counsel for the defendants, but no later than Monday, March 28, 2022.

Therefore, the parties hereby stipulate and agree:

1. The preliminary hearing/arraignment scheduled for March 24, 2022 be continued to March 25, 2022.
2. The time between March 24, 2022 and March 25, 2022 should be excluded under the Speedy Trial Act because failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See 18 U.S.C. § 3161(h)(7)(B)(iv).* The ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. *See 18 U.S.C. § 3161(h)(7)(A).*
3. Taking into account the public interest in the prompt disposition of criminal cases, there is good cause to extend the time limits under Federal Rule of Criminal Procedure 5.1 from March 24, 2022 to March 25, 2022.

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1 IT IS SO STIPULATED.
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DATED: March 23, 2022

Respectfully submitted,

4 STEPHANIE M. HINDS
5 United States Attorney

6 */s/ Alexandra Shepard*
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ALEXANDRA SHEPARD
8 Assistant United States Attorney

9 */s/ James Lassart*
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JAMES LASSART
11 Counsel for Defendant AliReza Moheb

12 */s/ Roni Rotholz*
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RONI ROTHOLZ
14 Counsel for Defendant Kevin Ramirez

ORDER (AS MODIFIED)

Based upon the representation of counsel and for good cause shown, the Court continues the arraignment/preliminary hearing currently scheduled for March 24, 2022 to March 25, 2022 at 10:00 a.m., and finds that failing to exclude the time between March 24, 2022 and March 25, 2022 would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between March 24, 2022 and March 25, 2022 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). See Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

Therefore, IT IS HEREBY ORDERED that the time between March 24, 2022 and March 25, 2022 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and Federal Rule of Criminal Procedure 5.1.

DATED: March 23, 2022

